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7           UNITED STATES DISTRICT COURT FOR THE  
8           WESTERN DISTRICT OF WASHINGTON  
9           AT SEATTLE

10           UNITED STATES OF AMERICA,

11           Plaintiff,

12           v.

13           GARY STENSLAND,

14           Defendant.

15           NO. CR20-125-RSM

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17           **PRELIMINARY  
18           ORDER OF FORFEITURE**

19           THIS MATTER comes before the Court on the United States' Motion for Entry of  
20 a Preliminary Order of Forfeiture ("Motion") seeking to forfeit, to the United States, the  
Defendant Gary Stensland's interest in the following property:

21           1. One Apple iPhone XR, serial number G0NZ26JRKXKY, seized from the  
22           Defendant on or about August 6, 2020; and,  
23           2. One Apple MacBook A1278 computer, seized from the Defendant on or about  
24           August 6, 2020.

25           The Court, having reviewed the United States' Motion, as well as the other papers  
26 and pleadings filed in this matter, hereby FINDS entry of a Preliminary Order of  
27 Forfeiture is appropriate because:

28           • The above-identified electronics are forfeitable pursuant to 18 U.S.C.

§ 2253(a), as the Defendant used them to commit or to facilitate  
 commission of Distribution of Child Pornography, in violation of 18 U.S.C.  
 § 2252(a)(2) and (b)(1), and Possession of Child Pornography, in violation  
 of 18 U.S.C. § 2252(a)(4)(B) and (b)(2); and,  

- Pursuant to the plea agreement he entered on February 18, 2021, the  
 Defendant agreed to forfeit these electronics pursuant 18 U.S.C. § 2253(a)  
 (Dkt. No. 36, ¶ 14).

NOW, THEREFORE, THE COURT ORDERS:

1) Pursuant to 18 U.S.C. § 2253(a) and his plea agreement, the Defendant's  
 interest in the above-identified electronics is fully and finally forfeited, in its entirety, to  
 the United States;

2) Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)-(B), this Preliminary Order will  
 be final as to the Defendant at the time he is sentenced, it will be made part of the  
 sentence, and it will be included in the judgment;

3) The U.S. Department of Justice, the Federal Bureau of Investigation (FBI)  
 and/or their authorized agents or representatives shall maintain the electronics in their  
 custody and control until further order of this Court. FBI shall destroy any prohibited  
 images unless they have been destroyed already or will be retained for official,  
 investigative use, as permitted by 21 U.S.C §§ 853(i) and 881(e);

4) Pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n), the  
 United States shall publish notice of this Preliminary Order and its intent to dispose of the  
 electronics as permitted by governing law. The notice shall be posted on an official  
 government website – currently [www.forfeiture.gov](http://www.forfeiture.gov) – for at least thirty (30) days. For  
 any person known to have alleged an interest in the electronics, the United States shall, to  
 the extent possible, provide direct written notice to that person. The notice shall state that  
 any person, other than the Defendant, who has or claims a legal interest in the electronics  
 must file a petition with the Court within sixty (60) days of the first day of publication of

1 the notice (which is thirty (30) days from the last day of publication), or within thirty (30)  
2 days of receipt of direct written notice, whichever is earlier. The notice shall advise all  
3 interested persons that the petition:

- 4 a. shall be for a hearing to adjudicate the validity of the petitioner's alleged  
5 interest in the electronics;
- 6 b. shall be signed by the petitioner under penalty of perjury; and,
- 7 c. shall set forth the nature and extent of the petitioner's right, title, or interest  
8 in the electronics, as well as any facts supporting the petitioner's claim and  
the specific relief sought.

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10 5) If no third-party petition is filed within the allowable time period, the  
11 United States shall have clear title to the electronics, and this Preliminary Order shall  
12 become the Final Order of Forfeiture as provided by Fed. R. Crim. P. 32.2(c)(2);

13 6) If a third-party petition is filed, upon a showing that discovery is necessary  
14 to resolve factual issues it presents, discovery may be conducted in accord with the  
15 Federal Rules of Civil Procedure before any hearing on the petition is held. Following  
16 adjudication of any third-party petitions, the Court will enter a Final Order of Forfeiture,  
17 pursuant to Fed. R. Crim. P. 32.2(c)(2) and 21 U.S.C. § 853(n), reflecting that  
18 adjudication; and,

19 7) The Court will retain jurisdiction for the purpose of enforcing this  
20 Preliminary Order, adjudicating any third-party petitions, entering a Final Order of

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1 Forfeiture, and amending the Preliminary Order or Final Order as necessary pursuant to  
2 Fed. R. Crim. P. 32.2(e).

3 IT IS SO ORDERED.

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5 DATED this 5<sup>th</sup> day of November, 2021.  
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9 RICARDO S. MARTINEZ  
10 CHIEF UNITED STATES DISTRICT JUDGE  
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Presented by:

/s/ *Michelle Jensen*  
MICHELLE JENSEN  
Assistant United States Attorney  
United States Attorney's Office  
700 Stewart Street, Suite 5220  
Seattle, WA 98101  
(206) 553-2619  
[Michelle.Jensen@usdoj.gov](mailto:Michelle.Jensen@usdoj.gov)